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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,701	12/08/2003	Kenneth A. Vlazny	3127-6073US	3286
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TRASKBRITT, P.C. P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER PANDYA, SUNIT	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 04/01/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/731,701	<b>Applicant(s)</b> VLAZNY ET AL.	
	<b>Examiner</b> SUNIT PANDYA	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/12/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-14,16-24,26-29,32,33,36-46,49-54 and 57-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-14,16-24,26-29,32,33,36-46,49-54 and 57-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/12/10 &amp; 2/2/10</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to amendments filed on 01/12/2010, wherein the examiner acknowledges that claims 1, 3, 12, 21, 24, 26, 29, 40, 49-52, 54, 57-59 & 62-63 have been amended, claims 2, 25, 47, 48, 55 & 56 have been canceled, and no new claims have been added; consequently claims 1, 3-7, 9-14, 16-24, 26-29, 32, 33, 36-46, 49-54 & 57-63 are currently pending.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 02/02/2010 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7, 9, 10, 12-14, 16-20, 23, 24, 26-29, 32, 33, 36-46, 49, 51-54 & 58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA One Account ("NYRA") in view of Crevelt et al. (US Patent 5,902,983) and further in view of Walker et al. (U.S. 6,869,362).

Art Unit: 3714

Claims 1, 24, 27, 33, 40, 59 & 60: NYRA discloses a gaming terminal (Sam machine or Tiny Tim) at an establishment (Race track, at home, or at work), the gaming terminal configured for a player to place a pari-mutuel wager on an event (pp. 1-13), presenting a house card (NYRA card) associated with a monetary account (NYRA account) to a card reader (Sam machine or Tiny Tim) in communication with the gaming terminal (pp. 1-13), placing a pari-mutuel wager at the gaming terminal on an event using the at least a portion of the funds of the monetary account (pp. 1-13). NYRA, however, fails to disclose depositing funds into the monetary account at the gaming terminal using at least one vehicle selected from the group consisting of cash, check, debit charge, credit card charge, and direct deposit. Furthermore, NYRA also fails to disclose cashless purchase other than pari-mutuel wager using house card at the establishment.

In an analogous art, Crevelt et al. teaches depositing funds into the monetary account at the gaming terminal using credit cards, debit cards, or direct deposit through a remote fund repository (col. 2: 50-55). Wherein the funds are transferred to the gaming establishment, however the gaming establishment is not required to get all the details as to the player's identification, after the fund transfer has been concluded. It would have been obvious for one with ordinary skill in the art, at the time of the invention, to have modified NYRA to include a fund depositing vehicle at the gaming terminals, as taught by Crevelt et al., thus allowing players easy and timely transactions at a single terminal.

However, the combination of NYRA and Crevelt et al. substantially teaches all of the claimed limitations, however, NYRA and Crevelt et al. fails to teach cashless purchase other than pari-mutuel wager using house card at the establishment. However, in another related art, Walker et al. teaches cashless purchase other than pari-mutuel wager using house card at the establishment. Walker et al., teaches providing players an option to purchase show tickets, room, food, beverages and other items using their house card account (col. 28: 25-36). It would have been obvious for one with ordinary skill in the art to have modified the combination of NYRA and Crevelt et al. to allow players to make other purchases using house card, as taught by Walker et al., thus allowing the establishment to only use single type of currency or transaction at the gambling location, thereby streamlining accounting and check out procedures to facilitate quick customer service turnarounds for each transaction.

Claims 3 & 26: The combination of NYRA, Crevelt et al. and Walker et al. teaches cashless purchase using the house card is effected after placing the pari-mutuel wager (Walker et al. col. 28: 25-36, wherein the account is rebalanced after the purchase before wager is placed).

Claim 5: The combination of NYRA and Crevelt et al., and Walker et al. teaches the house card to access an informational display (display on Sam machine or Tiny Tim) at the establishment (NYRA pp. 1-13).

Claims 6, 49 & 61-63: The combination of NYRA and Crevelt et al., and Walker et al. teach depositing funds into a monetary account at the gaming terminal comprises additional funds to the monetary account (Crevelt et al. col. 2: 50-55).

Claims 7, 32 & 51: The combination of NYRA and Crevelt et al., and Walker et al. teaches placing a pari-mutuel wager at the gaming terminal on an event using at least a portion of the funds of the monetary account comprises sending a request for allocation of the at least a portion of funds to a remote computer in communication with the card reader (NYRA pp. 1-13).

Claims 9, 28 & 52: The combination of NYRA and Crevelt et al., and Walker et al. teach updating the account with the winnings from the result of the pari-mutuel wager (NYRA pp. 1-13).

Claims 10 & 54: The combination of NYRA and Crevelt et al., and Walker et al. teach the house card being a magnetic strip (NYRA pp. 1-13).

Claims 12 & 29: The combination of NYRA and Crevelt et al., and Walker et al. teach removing the credit card or the debit card prior to placing the pari-mutuel wager (NYRA pp. 1-13).

Claims 13, 14 & 53: The combination of NYRA and Crevelt et al., and Walker et al. teaches verifying the identity of the player prior to the player accessing the at least a portion of funds (NYRA pp. 1-13, a player inputs at least a PIN to verify their identity).

Claims 16 & 36: The combination of NYRA and Crevelt et al., and Walker et al. teaches the selected event to be a sporting event (horse race) (NYRA pp. 1-13).

Claims 17 & 37: The combination of NYRA and Crevelt et al., and Walker et al. teaches forwarding information regarding the outcome of the pari-mutuel wager over a communication link (NYRA pp. 1-13, the result of the outcome of the pari-mutuel

Art Unit: 3714

wager is forwarded over a communication link whether directly to a Sam machine, a Tiny Tim, or over a phone).

Claims 18, 19, 38 & 39: The combination of NYRA and Crevelt et al., and Walker et al. teaches forwarding information regarding the outcome over a communication link, i.e. telephone link, thus, it would have been obvious at the time of Applicant's invention to use state of the art technology to convey information via other means by well-known conduits, such as email and text messaging.

Claim 20: The combination of NYRA and Crevelt et al., and Walker et al. teaches selecting the house card to be associated with a first monetary account and with a second monetary account associated with a debit card accounts or a credit card account, and using the at least a portion of the funds from the first monetary account to place the pari-mutuel wager (NYRA pp. 1-13).

Claims 23 & 58: The combination of NYRA and Crevelt et al., and Walker et al. teaches transferring funds between the first monetary account and the second monetary account (NYRA pp. 1-13 & Crevelt et al. col. 2: 50-55).

Claims 41-46: The combination of NYRA and Crevelt et al., and Walker et al. teaches inputting the unique identifier comprises inputting an account number (Account number or PIN) using a touch tone telephone (NYRA pp. 1-13), unique secondary identifier (Tele-bet Access Code (TAC)) number.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA and Crevelt et al., and Walker et al. as applied to claims above, and further in view of Black (U.S. 6,307,956).

Claim 4: The combination of NYRA, Crevelt et al., and Walker et al. substantially teaches all of the claimed limitations, however, NYRA, Crevelt et al., and Walker et al., fails to teach using the house card to access a secure area at the establishment. Black teaches, for example, the use of the identity verification system in a hotel casino complex. The system comprises biometric registration upon entry into the hotel-casino, biometric access to a guest room, biometric purchases on-site within the complex such as restaurants, lounges, boutique shops, and the like and biometric play of slot machines, biometric play at gaming tables. Although Black teaches a verification system that is employed as an improvement over cards, Black teaches that cards have been used in the past for such systems. Thus, it would have been obvious at the time of applicant's invention to utilize a card to access a secure area of the establishment, such as a hotel room, wherein the card could also be used to make purchases. One would be motivated to do so players would not have to carry multiple cards in their wallet that are easily lost or stolen.

Claims 11 & 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA, Crevelt et al., and Walker et al. as applied to claims above, and further in view of Walker (U.S. 6,558,255).



Art Unit: 3714

Claim 11 & 50: The combination of NYRA, Crevelt et al. and Walker et al. substantially teaches all of the claimed limitations, however, NYRA, Crevelt et al., and Walker et al. fails to teach the house card to have a predenominated amount of funds. In an analogous art, Walker ('255) teaches a prepaid casino card that may be embodied as a smart card or a general purpose debit card programmed with predefined amount that expires in a predetermined time period. It would have been obvious for with ordinary skill in the art, at the time of Applicant's invention to utilize Walker's ('255) predefined card with the combination of NYRA, Crevelt et al., and Walker et al. One would be motivated to modify the combination of NYRA, Crevelt et al., and Walker et al., to have predefined cards in order for players to quickly purchase a house card or place a specific balance on a house card in order to wager on a future race.

Claims 21, 22 & 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA, Crevelt et al., and Walker et al. as applied to claims above, and further in view of Walker (U.S. 6,379,248).

Claims 21, 22 & 57: The combination of NYRA, Crevelt et al. and Walker et al., substantially teaches all of the claimed limitations, however, NYRA, Crevelt et al., and Walker et al., fails to teach crediting the first monetary account when a purchase is placed using funds from the second monetary account, and funds from the first monetary account to be only available for use at the establishment. Walker ('248) teaches a gaming device includes a plurality of balances. The gaming device receives monetary input, such as currency or a transfer from an account, and in turn increases

Art Unit: 3714

one or more balances. The balance increased depends on criteria such as the amount of monetary input or the source of monetary input (e.g. from a casino account). Players may draw wager amounts from different balances, and add award amounts to the balances. Incentives are provided for using the different balances. For example, different balances may have different payout schedules, different probability schedules, or both. Thus, it would have been obvious for one with ordinary skill in the art, at the time of the invention to incorporate Walker's ('248) features in to the system taught by the combination of NYRA, Crevelt et al., and Walker et al. One would be motivated to do so because using multiple accounts encourages players to wager by offering incentives to do so. Consequently, increasing casino or race tracks operator's profits.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-7, 9-14, 16-24, 26-29, 32, 33, 36-46, 49-54 & 57-63 have been considered but are moot in view of the new ground(s) of rejection.

In the rejection above, the examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or

Art Unit: 3714

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/  
Primary Examiner, Art Unit 3714

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